

IN RE: PETITION FOR ADMINISTRATIVE  
ZONING VARIANCE  
N/S Hazel Avenue, 160 ft. +/-  
E of c/l of Magnolia Avenue  
4946 Hazel Avenue  
13th Election District  
1st Councilmanic District  
Gary E. Stevens, et ux,  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 99-228-A

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Gary E. Stevens and Beverly J. Stevens, property owners, for the property located at 4946 Hazel Avenue in the southwestern section of Baltimore County. The Petitioners herein seek a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 14 ft., and a sum of side yard setbacks of 24 ft., in lieu of the required 15 ft. and 40 ft., respectively, for an addition, in a D.R.2 zone. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance, the property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

ORDER RECEIVED FOR FILING

Date

By

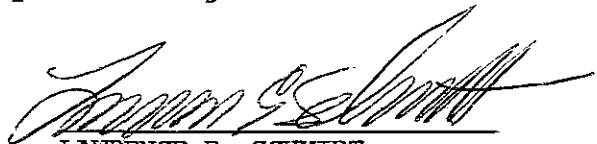
B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Area and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the BCZR upon completion of their findings. The relief granted shall be conditioned upon compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of Jan. 1999 that the Petition for a Zoning Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 14 ft., and a sum of side yard setbacks of 24 ft., in lieu of the required 15 ft. and 40 ft., respectively, for an addition, in a D.R.2 zone, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

  
LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

LES:mmm

ORIGINAL RECEIVED FOR FILING

Date

By



Baltimore County  
Zoning Commissioner  
Office of Planning

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386

December 30, 1998

Mr. and Mrs. Gary E. Stevens  
4946 Hazel Avenue  
Baltimore, Maryland 21227

RE: Petition for Administrative Variance  
Case No. 99-228-A  
Property: 4946 Hazel Avenue

Dear Mr. and Mrs. Stevens:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm  
encl.

c: Thomas A. Church, P.E.  
Development Engineering Consultants, Inc.  
6603 York Road  
Baltimore, Maryland 21212





# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at #4946 HAZEL AVENUE

which is presently zoned DR-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1 To allow a sideyard setback of 14 ft. & a sum of side yard setbacks of 24 ft. in lieu of the minimum required 15 ft. & 40 ft. respectively.

See other side

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

## Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

## Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

## Legal Owner(s):

GARY E. STEVENS

Name - Type or Print

Signature

BEVERLY J. STEVENS

Name - Type or Print

Signature

4946 HAZEL AVENUE

Address

410/247-8958

Telephone No.

BALTIMORE,

City

MD

State

21227

Zip Code

## Representative to be Contacted:

THOMAS A. CHURCH, P.E.

DEVELOPMENT ENGINEERING

Name

CONSULTANTS, INC.

6603 YORK ROAD

Address

410/377-2600

Telephone No.

BALTIMORE,

City

MD

State

21212

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 99-228-A

Reviewed By [Signature] Date 12-1-98

REC 9/15/98

Estimated Posting Date 12-13-98

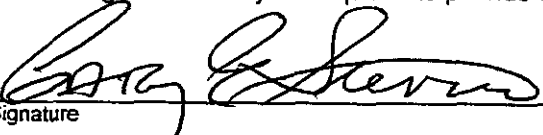
# Affidavit in Support of Administrative Variance

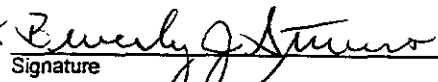
The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 4946 HAZEL AVENUE  
Address  
BALTIMORE, MD 21227  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty): THE LOT WAS CREATED AND DEVELOPED PRIOR TO THE CURRENT ZONING REGULATIONS AND ZONING CLASSIFICATION OF THE LOT BECOMING EFFECTIVE. THE EXISTING SIDE YARDS ARE 10'±. WE DESIRE TO BUILD AN ADDITION WHICH WOULD INCREASE ONE OF THE SIDE YARDS TO 14'±. THE ADDITION WILL BE ON THE SIDE OF THE HOUSE ADJACENT TO I-195, WHICH WAS CONSTRUCTED AFTER THE HOUSE WAS BUILT. THE ADDITION WOULD BE OUT OF VIEW, AND THEREFORE WOULD HAVE NO ADVERSE AFFECT ON NEIGHBORING PROPERTIES.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

X   
Signature  
GARY E. STEVENS  
Name - Type or Print

X   
Signature  
BEVERLY J. STEVENS  
Name - Type or Print

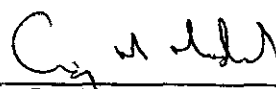
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of December, \_\_\_\_\_, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Gary Stevens & Beverly Stevens  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

12-3-98  
Date

  
Notary Public

**CRAIG M. MUDROCK**  
Notary Public, State of Maryland  
Qualified in Baltimore County  
Commission Expires August 21, 2002

My Commission Expires 8-21-02

220 09/15/98

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 4946 HAZEL AVENUE

Address

BALTIMORE,

City

MD

State

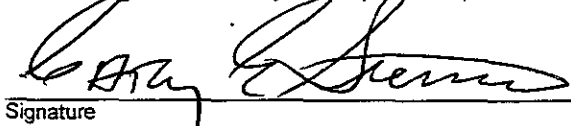
21227

Zip Code

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That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

X

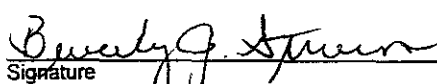


Signature

GARY E. STEVENS

Name - Type or Print

X



Signature

BEVERLY J. STEVENS

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of December, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

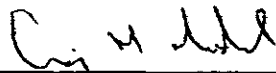
Gary Stevens & Beverly Stevens

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

12-3-98

Date



Notary Public

My Commission Expires

8-21-02

REV 09/15/98

**CRAIG M. MUDROCK**  
Notary Public, State of Maryland  
Qualified in Baltimore County  
Commission Expires August 21, 2002



# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at #4946 HAZEL AVENUE

which is presently zoned DR-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1 To allow a side yard setback of 14 ft and a sum of side yard setbacks of 24 ft. in lieu of the minimum required 15 ft & 40 ft. respectively.

See other side

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

## Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

## Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

## Legal Owner(s):

GARY E. STEVENS

Name - Type or Print

Signature

BEVERLY J. STEVENS

Name - Type or Print

Signature

4946 HAZEL AVENUE

Address

410/247-8958

Telephone No.

BALTIMORE,

City

MD

State

21227

Zip Code

## Representative to be Contacted:

THOMAS A. CHURCH, P.E.  
DEVELOPMENT ENGINEERING

Name

CONSULTANTS, INC.

6603 YORK ROAD

Address

410/377-2600

Telephone No.

BALTIMORE,

City

MD

State

21212

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_ day of \_\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 98-228-A

REV 9/15/98

Reviewed By

Estimated Posting Date

12-1-98

13-98

Commissioner of Baltimore County

BALTIMORE COUNTY, MARY ID  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

Item <sup>228</sup> No. ~~059175~~

DATE 12 1 - 98 ACCOUNT R-001-6150

AMOUNT \$ 50.00

RECEIVED  
FROM: Development Engineering Consultants, Inc.

FOR: Residential Variance Filing fee at  
4946 Hazel Ave.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

-YELLOW - CUSTOMER

PAID RECEIPT

PROCESSED ACTUAL TIME  
12/01/1998 12/01/1998 09:48:50  
REG 4803 CASHIER PMS NEW DRAFTER  
6 MISCELLANEOUS CASH RECEIPT  
Receipt # 067442  
CP NO. 059175

50.00 CHECK  
Baltimore County, Maryland

99-228-A

CASHIER'S VALIDATION



228

ZONING DESCRIPTION

FOR  
4946 HAZEL AVENUE  
ELECTION DISTRICT 13, COUNCILMANIC DISTRICT 1

Beginning at a point on the north side of Hazel Avenue which is at a distance of 160 feet, more or less east of the centerline of Magnolia Avenue; being part of all that lot of ground described in a deed dated June 12, 1986 and recorded among the Baltimore County Land Records in Liber E.H.K., Jr. 7210, Folio 28 now described as follows:

- 1) North 21 degrees 23 minutes West 150.00 feet
- 2) North 62 degrees 32 minutes East 66.67 feet
- 3) South 21 degrees 23 minutes East 150.00 feet
- 4) South 62 degrees 32 minutes West 66.67 feet

to the place of beginning.

Containing 0.228 acres of land, more or less.

98-142

11/13/98



99-228-A

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 99- 228 -A

Address 4946 Hazel Ave

Contact Person: John Sullivan  
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 12-1-98

Posting Date: 12-13-98

Closing Date: 12-28-98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

**Petitioner: This Part of the Form is for the Sign Poster Only**

**USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT**

Case Number 99- 228 -A

Address 4946 Hazel Ave

Petitioner's Name GARY E. Stevens

Telephone (410) 247-8958

Posting Date: 12-13-98

Closing Date: 12-28-98

Wording for Sign: To Permit a sideyard setback of 14 ft & a sum of side-  
yard setbacks of 24 ft in lieu of the minimum required 15 ft  
& 40 ft respectively.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

\_\_\_\_\_  
ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 228

Petitioner: Gary E. Stevens

Location: 4946 Hazel Ave.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: DEVELOPMENT ENGINEERING CONSULTANTS, INC.

ADDRESS: 6603 YORK ROAD

BALTIMORE, MD., 21212

PHONE NUMBER: 410-377-2600

AJ:ggs

(Revised 09/24/96)

**99-228-A**



Baltimore County  
Fire Department

Office of the Fire Marshal  
700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4880

December 11, 1998

Arnold Jablon, Director  
Zoning Administration and Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF December 14, 1998

Item No.: See Below

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

223, 224, 225, 226, 227, 228, 229, 231, 234, and 235

REVIEWER: LT. HERB TAYLOR  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



12/28/98

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development Management

DATE: 12/23/98

FROM: R. Bruce Seeley, Project Manager *ABS/jp*  
Development Coordination  
DEPRM

SUBJECT: Zoning Advisory Committee

Distribution Meeting Date:

The Department of Environmental Protection and Resource Management has  
no comments for the following Zoning Advisory Committee Items:


- Item #'s: 222 231  
223  
225  
226  
227  
228  
232  
233  
234

B A L T I M O R E   C O U N T Y ,   M A R Y L A N D

I N T E R O F F I C E   C O R R E S P O N D E N C E

TO:            Arnold Jablon, Director  
              Department of Permits & Development  
              Management

Date:   December 24, 1998

FROM:  Robert W. Bowling, Supervisor  
              Bureau of Developer's Plans Review

SUBJECT:   Zoning Advisory Committee Meeting  
              for December 23, 1998  
              Item Nos. 222, 223, 224, 225, 226,  
              227, 228, 229, 231, 232, 233, 234,  
              and 235

AND

Revised Petitions and Plats for  
Case #99-159-XA (8101 Bellona Avenue)

The Bureau of Developer's Plans Review has reviewed the subject zoning items and revised petitions and plats, and we have no comments.

RWB:HJO:jrb

cc:   File

ZONE1223.NOC

AV  
12/28

**BALTIMORE COUNTY, MARYLAND**  
**INTER-OFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
Department of Permits  
and Development Management

**Date:** December 15, 1998

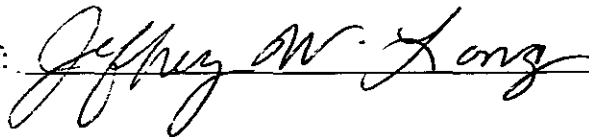
**FROM:** Arnold F. 'Pat' Keller, III, Director  
Office of Planning

**SUBJECT:** Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):  
Item No (s): 218, 220, 223, 224, 225, 226, 227, 228, 231, and 232

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



**Maryland Department of Transportation**  
**State Highway Administration**

Parris N. Glendening  
Governor

David L. Winstead  
Secretary

Parker F. Williams  
Administrator

Date: 12.11.97

Ms. Gwen Stephens  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 228 JJS

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

/s/ Michael M. Lenhart, Acting Chief  
Engineering Access Permits Division

My telephone number is \_\_\_\_\_

----- Maryland Relay Service for Impaired Hearing or Speech -----  
1-800-735-2258 Statewide Toll Free

**Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717**  
**Street Address: 707 North Calvert Street • Baltimore, Maryland 21202**



D.R. 5.5

S-25,000

D.R. 5.5

NORTH

228

S 26,000

(SHEET SW-7-D)

SITE

POINT OF BEGINNING

99-228-A

ZONING MAP FOR  
4946 HAZEL AVE.  
" = 200' REF. MAP:  
SW-7E

D.R. 2

D.R. 2

CEDAR AVE  
MAGNOLIA AVE

CEDAR TULIP

HAZEL AVE

MAPLE



Stevens



Stevens

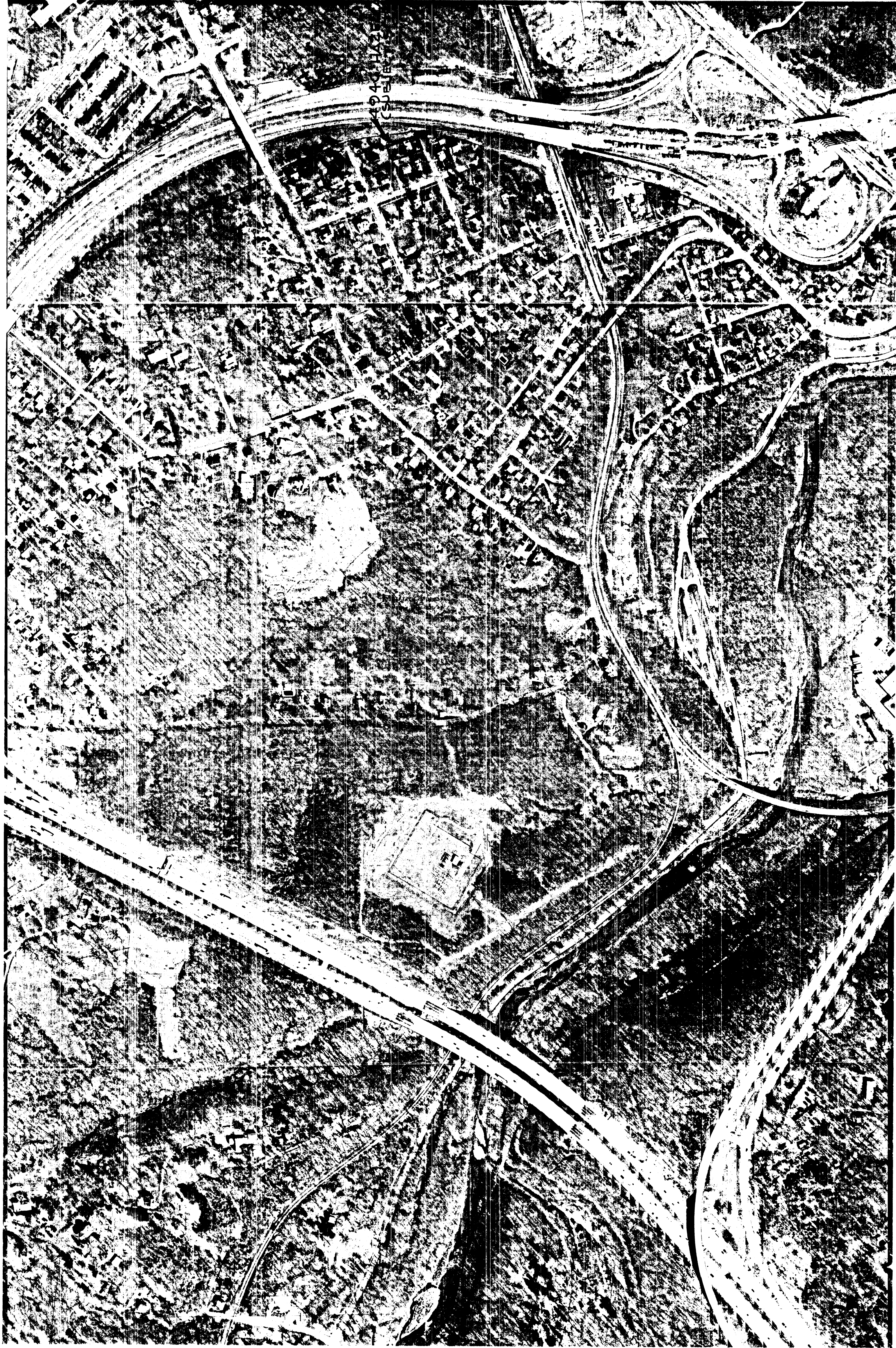


Stevens

99-228-A







BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 26401

LOCATION

SCALE

1" = 200' ±

RELAY

SHEET

S.W.  
7-E

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

99-228-A

228